



California Fair Political Practices Commission

December 8, 1988

Sue Zorn
Administrative Assistant
Ternes-Houston & Associates
1500 Seventh Street, Suite 13M
Sacramento, CA 95814

RE: Your Request for Advice
Our File No. I-88-405

Dear Ms. Zorn:

You have requested advice under the lobbying disclosure provisions of the Political Reform Act (the "Act").^{1/} Your letter states only a general question. Therefore, we consider it to be a request for informal assistance pursuant to Regulation 18329(c) (copy enclosed).^{2/}

QUESTIONS

(1) What is the retention period for records supporting lobbying disclosure statements filed pursuant to the Political Reform Act?

(2) Is the retention period different for records supporting lobbying disclosure statements that have been audited by the State Franchise Tax Board?

CONCLUSIONS

(1) and (2) The retention period for records in connection with reports filed under the Act's lobbying provisions is four years from the date of the filer's final report for the calendar year for which the activities were reported. The four-year record retention period applies regardless of whether a disclosure statement has been audited by the State Franchise Tax Board.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice (Section 83114; Regulation 18329(c) (3).)

ANALYSIS

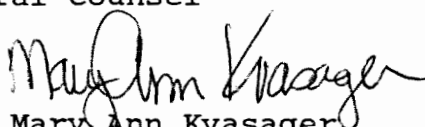
With regard to lobbying firms, Regulation 18612(f) (copy enclosed) states, "All records which must be kept by virtue of this regulation shall be maintained for a period of four years from the date of the lobbying firm's final report for the calendar year for which the activities were reported pursuant to Section 86114." For lobbyists, Regulation 18610(d) (copy enclosed) provides, "All records which the lobbyist must keep by virtue of this regulation shall be maintained by the lobbyist for a period of four years from the date of the lobbyist's final report for the calendar year for which the activities were reported pursuant to Government Code Section 86113."

The statute of limitations for violations of the Act is four years. Section 91010(b) states that "No civil action alleging a violation of any provisions of this title, other than those described in subdivision (a), shall be filed more than four years after the date the violation occurred."

Please contact me at 916/322-5662 if you need additional assistance or clarification concerning records retention.

Sincerely,

Diane M. Griffiths
General Counsel


By: Mary Ann Kvasager
Political Reform Consultant

DMG:MAK:kmt
Enclosures

TERNES-HOUSTON & ASSOCIATES

FPPC

OCT 20 9 10 AM '88

October 18, 1988

Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814

Attention: Diane Griffiths
Chief, Legal Department

I am seeking advice on the length of time F.P.P.C. records must be retained by lobbying firms. Specifically, what is the requirement for retaining Forms 625 - Report of Lobbying Firm, and Forms 615 - Lobbyist Report?

Also, does it make a difference if these reports have been audited for the Fair Political Practices Commission by the Franchise Tax Board?

Your advice as to this requirement is greatly appreciated.

Thank you for your assistance in this matter.

Sincerely,



Sue Zorn

Administrative Assistant

TERNES-HOUSTON & ASSOCIATES

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Sue Zorn
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